

No. 47 or No. 49 within the meaning of the statute, and can have no rights therein. His claim was only such as any one of a thousand men on the street might set up and be able to maintain with as strong evidence as he has done. It is simply a claim—for title—and that is all there is in it. He has shown no right to the title. It was therefore error to allow his claim.

The heirs of Joseph Cain, deceased, had possession of this whole half lot when Joseph Cain died, and they never gave up that possession, and they are not bound to submit, because being under age the control of the lot passed from them without their consent. They had until their majority to enforce their claims.

But there is another reason why none of these claimants, aside from the heirs of Joseph Cain, deceased, can possibly have any rights to any of this half lot. Joseph Cain died leaving that property, the whole half lot, in the possession of his wife and children as a homestead.

The Territorial statute says, "The homestead occupied by the wife or any portion of the family of the deceased at the time of his death, shall in all cases be held free to the use of the wife and family of the deceased, and shall not be liable to any claim or claims against said estate." What authority did the Probate Court have to order the sale of any of it, even to pay debts if any had existed? What right did the widow have to sell any of it, or to give possession to others as against the heirs? Certainly none. It shall be held "free to the use of the wife and family," and she cannot curtail this right in the heirs.

If she had no authority to sell even to pay debts, she certainly could not give the property away to the detriment of the minor children, which it is claimed that she virtually did do as to the north half. She says that Brigham Young claimed it, and she submitted to his claim. That does not arise however, to the dignity of a gift. It was only yielding to a claim, which she could not oppose or repel.

The courts cannot recognize that any individual has the right to go upon property which has descended to infant heirs and to hold such property because the heirs cannot drive them off, and then to come into a court of equity and claim title based upon his trespass. Such a tampering upon the rights of infant heirs, those who look with strongest claims to the courts for protection, cannot be tolerated; but the rightful possessor and claimant must be reinstated in his rights and given the legal title.

There seems therefore no valid reason why the heirs of Joseph Cain, deceased, should not have title to the east half lot in question. Therefore the judgment of the court below is reversed, and it is ordered and adjudged in this court that the children and heirs of Joseph Cain, deceased, have the right to title in fee-simple to the undivided two-thirds interest in said lot, and that the widow has the right to title to one undivided third interest for life or widowhood, with remainder in fee to the children and heirs; and it is ordered that the Mayor convey accordingly.

Schaeffer, C. J., concurs.

EDITORIAL NOTES.

—The Springfield Republican claims that everybody was happy on the Fourth, except Susan B. Anthony, but hopes she will be next centennial Fourth. Now let Susan alone. If she is not happy she goes to work bravely and pays her debts, which is more than some of the very "happy" people do.

—Recently, points in the Upper Mississippi Valley, such as Breckenridge, Minn., and La Crosse, Wis., and on the lakes, such as Marquette, Mich., and Chicago, Ill., and even Fort Sully, on the Upper Missouri, have been enjoying a midnight temperature ranging from eighty-two degrees to eighty-six degrees Fahrenheit. How is that for hot?

—The heat is so unhealthy this summer that it kills the potato bugs, if they get the full benefit of it. A Wallingford, Connecticut, gentleman went among his potato vines the other day, picked the bugs off, put them on a dish and congregated them on the hot sand in the full glare of the sun. The bugs soon gave up the ghost.

—Rev. A. F. Sherrill, of Omaha, preached in that city on "The Indian War," July 9. He said, "The Indians have suffered, and have been abused, until the bureau of Indian affairs has come to be recognized as a covering for the basest swindling." Nevertheless he claimed that the Indians must be subdued, driven to and upon reservations, and be made to accept "our civilization," or eventually disappear.

—The Boston Globe says, "There has sprung up in Iowa a religious sect, the principal tenet of which is, that a man must be married to two wives. At first to some this may prove popular, but after two or three spring bonnet seasons have come and gone we think the brethren will be found applying for their dismissory papers."

—The greatest American lawsuit is said to be that resulting from the application of the heirs of Don Joseph Valliere, for the confirmation of a grant of 7,240,000 acres of land, given by the Crown of Spain in 1793 to Capt. Don Joseph Valliere, a Spanish soldier, for his valuable military services. Valliere died in New Orleans in 1799. His descendants, twenty-seven persons in Arkansas, most of them poor,

sue for land warrants representing in value the same number of acres in the public domain."

—The Philadelphia Times takes the matter in this way—"The United States, having certain claims against Great Britain which the latter disputed, agreed to refer them all to a tribunal of arbitration. After argument from counsel on each side the tribunal decided that certain claims were valid, but that the others were not valid, and that Great Britain should pay the United States a sum of money in liquidation of the claims held to be just. When the United States came to divide the money it was found that the class of claims for which it was paid did not rightly amount to nearly as much as the bills that had been presented before the tribunal; in other words, that Great Britain had paid more than was justly due. So now the House has passed a bill to divide the balance among the claimants expressly ruled out by the Geneva tribunal. And this is the Centennial year, in which we boast of the honor and glory of the nation! Why should the Times show surprise at that? The editor ought to know that American politicians are not often guilty of letting money escape them when they have a chance to steal it.

—Mrs. Applegate, of Toms River, N. J., went to the well, became dizzy, and fell into it head foremost, thirty feet deep. At dinner time her husband passed, and she called, "Charley, I am in the well." He drew her up with the windlass. She had managed to stand on tiptoe in the water several hours, holding her head back, so as to just keep her mouth above water. She was not hurt by the fall.

—The Washington monument is to consist of a simple shaft of white marble, something like the ugly Bunker Hill monument.

—On the 10th of July, a Newark, New Jersey, a large number of workmen, of whom a thousand are out of work in that city, made demonstrations before the mayor's residence. The men said they were willing to work at anything and for any wages that would support them and save them and their families from starvation. They must have, they insisted, work or bread. Some of them had had no work for eighteen months. The most fortunate had only had work a very small portion of the time. One man stated that he had had no work for a year and a half; that the whole sustenance of himself and family was very little bread but plenty of water. The New York Herald says, "Unless some shadow of the 'golden era of prosperity' is discovered to the men it is feared that serious consequences may ensue, as the men are growing desperate."

—A patriotic Bostonian was fined \$10 for decorating his premises with American flags, projecting more than 12 inches over the sidewalk, without previous municipal permission.

—An exchange indulges in this manner—"A solemn procession of bedbugs, fourteen abreast, and making a line a mile and a half in length, filed out of Castle Garden when the flames began to get under full headway."

—How high is the mercury? That is the daily question through the country. Every day as it comes is now supposed to be the hottest yet.

—Boston is increasing the number of her double-decked street cars.

T. LATIMER, GEO. ROMNEY, GEO. H. TAYLOR, F. ARMSTRONG. HAVING REMOVED into our New Building, we are now prepared to furnish everything in our line at the Lowest Rates and with Dispatch.

Lumber, Shingles, SASH & DOORS,

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ALL KINDS OF MOULDINGS AND FRAMES

—A SPECIALTY.—

We will Not be Undersold.

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Latimer, Taylor & Co.

—Deak, of Hungary, and Wen Siang, of China, are esteemed as two genuine patriots. Both rendered great services to their respective countries, both lived and died poor, and both were almost universally mourned and honored in their death. Who's next?

Awarded the Highest Medal at Vienna.

E. & H. T. ANTHONY & CO.,

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ENGRAVINGS, CHROMOS AND FRAMES,

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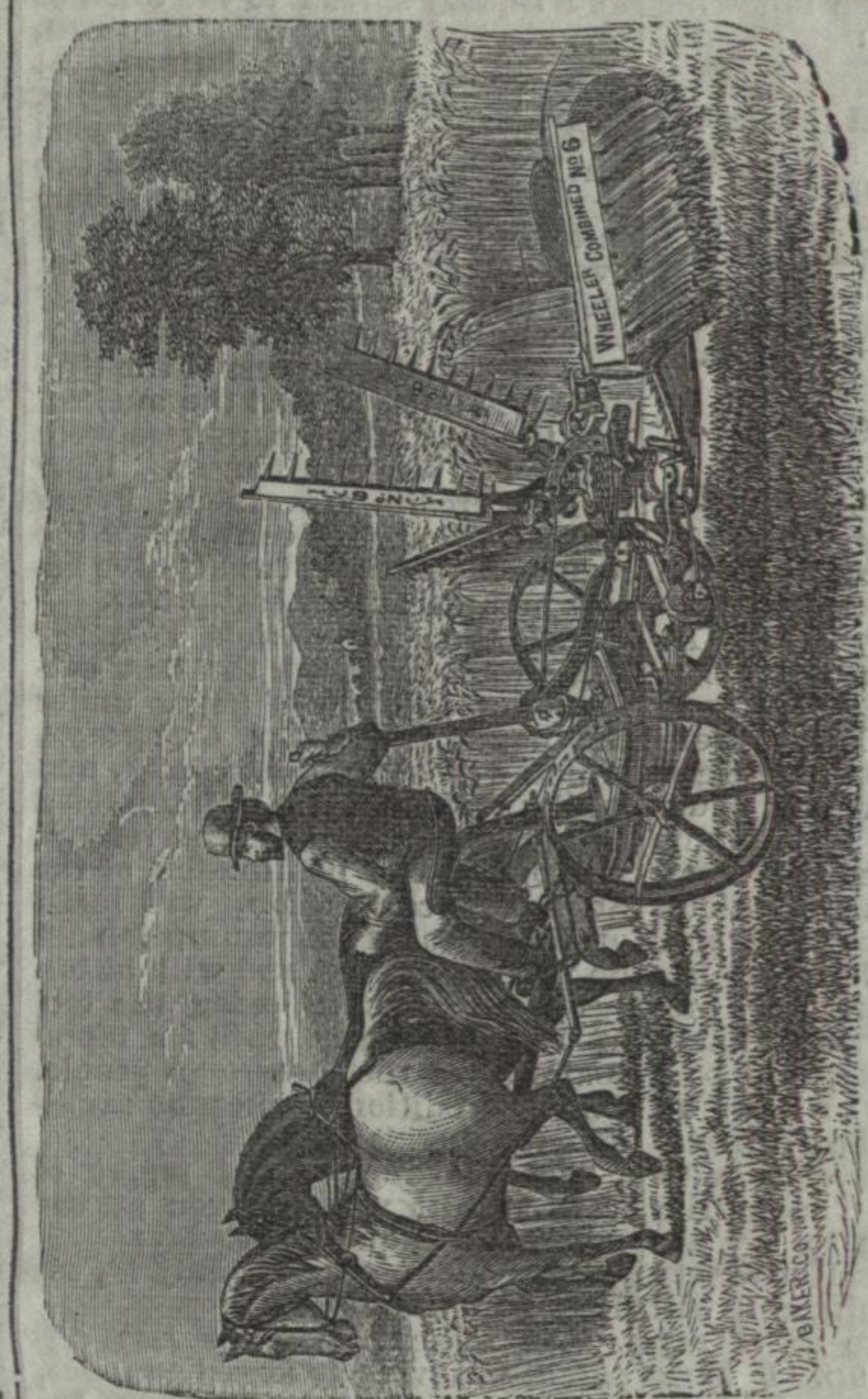
Visitors to the Centennial Exposition will do wisely to defer purchasing goods in our line until they come to our store in New York, where they will find greater variety and more moderate prices, and can select more at their leisure. But we have a concession to sell some styles of our goods in the building of the Department of Public Comfort, and those not coming to New York are invited to call on our representation there.

A full stock of Views of the Exposition Buildings and their contents.

Cut out this advertisement for reference.

MATTISON & JOHNSON.

Return thanks to the farmers of Utah for their liberal patronage for the past two years and state that they enter the field for 1876 with an entire NEW STOCK of Reapers and Mowers.



THE CAYUGA CHIEF

Has been improved especially for this trade, and is now called the "WHEELER." The No. 6 is a light mower, possessing great powers and endurance, and the easiest handled machine in the market. With the exception of the improved Ledger Plate in the Guard, it is the same as the Cayuga Chief No. 3, which has become such a favorite. The No. 6 is a combined machine, with controllable Self Rake, the gearing is all enclosed in an iron box, which excludes all dirt and grit. This machine was awarded the California State Diploma last September, and has already taken the laurels from several competitors in Texas this year.

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All these machines are made by D. M. Osborne & Co., Auburn, New York, the largest Reaper and Mower Factory in America. A Full Line of the

MITCHELL FARM AND SPRING WAGONS!

Always on hand, and claim some important improvements for this wagon, and warrant it second to none. A Large Stock of

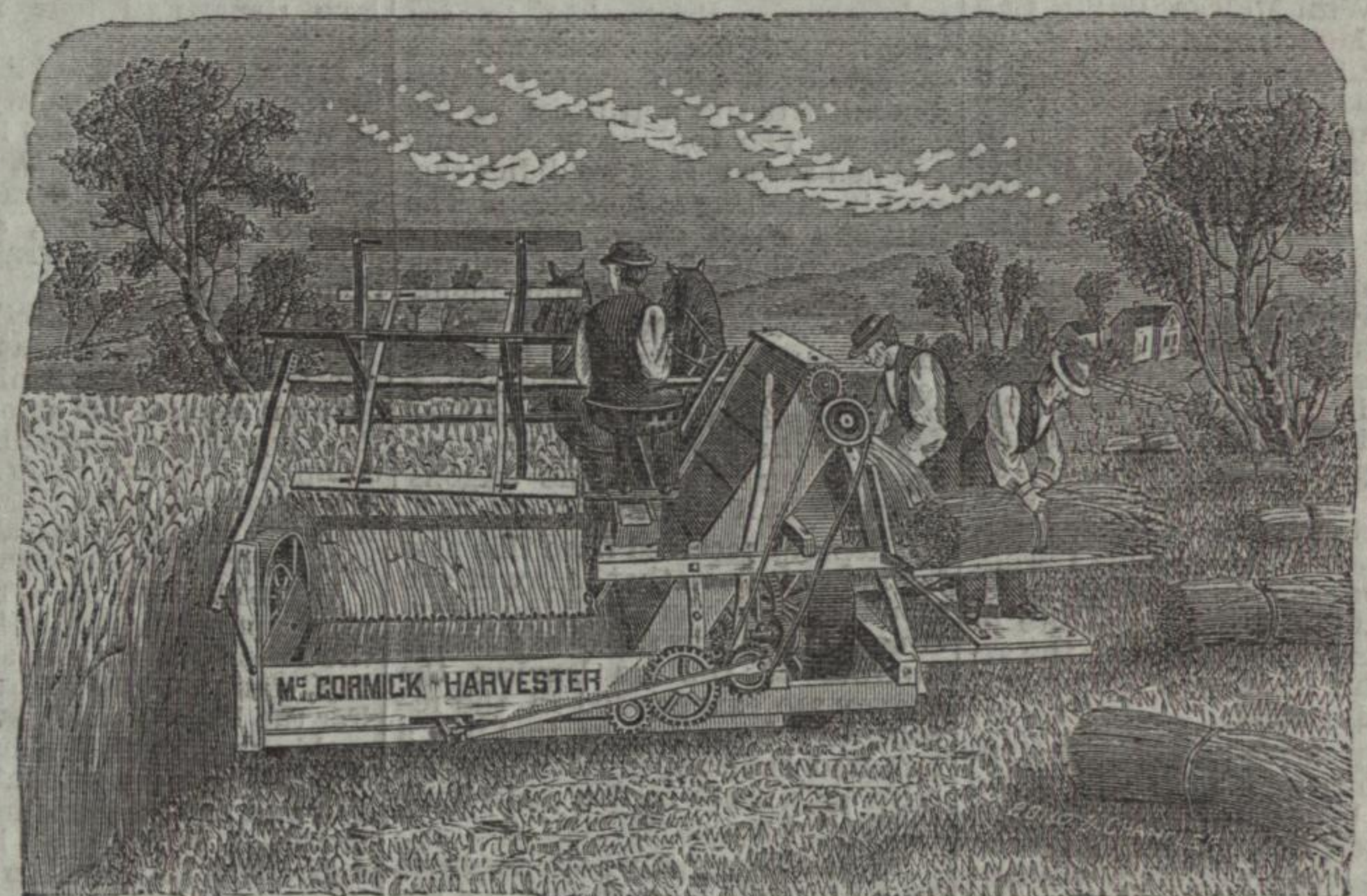
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